

DECOTIIS, FITZPATRICK, COLE & WISLER, LLP

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Attorneys for Third-Party Defendants,

Peter F. Vaira, Esq. and Terrence O'Sullivan

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PATRICK, BYRNE, et al.

Plaintiffs,

v.

LOUIS CALASTRO, et al.

Defendants.

Civil Action No. 05-68 (DMC)

Hon. Dennis M. Cavanaugh, U.S.D.J.

**STIPULATION OF DISMISSAL
WITH PREJUDICE AS TO
THIRD-PARTY DEFENDANT
TERRENCE O'SULLIVAN**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for defendant Salvatore Salerno and third-party defendant Terrence O'Sullivan (individually and in his capacity as General President of LIUNA) that pursuant to Fed. R. Civ. P. 41(a) the above-entitled action, and all related claims, cross-claims and counterclaims, are dismissed with prejudice as to third-party defendant O'Sullivan, in light of the settlement of all disputed claims and issues by and between these parties.

~~Barton Barton & Plotkin~~

~~OLSHAN GRUNDMAN FROME~~

~~ROSENZWEIG & WOLOSKY, LLP~~

Attorneys for Defendant Salvatore Salerno

By: _____

~~Kyle Bisceglie~~

Roger E. Barton

Dated: September 24, 2008

DECOTIIS, FITZPATRICK, COLE & WISLER, LLP

Attorneys for Third-Party Defendants,

Peter F. Vaira, Esq. and Terrence O'Sullivan

By: _____

Victoria A. Flynn

Dated: September 2, 2008

SO ORDERED:

10/1/08

Hon. Dennis M. Cavanaugh, U.S.D.J.